IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

Bail Appl..No. 4851 of 2007(M)

CRIME NO.365/2007 OF MEDICAL COLLEGE POLICE STATION

PETITIONER/ACCUSED

MANU @ VILLU, S/O. MANIKANTAN,
AGED 20, THUNDUVILAKATHU VEEDU, KOCHU ULLUR,
MEDICAL COLLEGE POST, TRIVANDRUM.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.SHAIJAN.S.HAMEED

RESPONDENTS:

THE S.I. OF POLICE,
POLICE STATION, REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.4851 of 2007

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Dated this the 10th day of August, 2007

ORDER

Petitioner is the sole accused in a crime registered, inter alia, under Sec.452 and 324 IPC. On account of animosity, allegedly arising from a complaint made by the defacto complainant before the Police about the improper behaviour of the petitioner in front of the house of the defacto complainant, the petitioner had allegedly trespassed into the house of the defacto complainant armed with an iron rod on 15.7.07 and indulged in culpable overt acts. Crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the allegations are totally false and are being raised to vex and harass the petitioner. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that all available indications clearly point to the complicity of the petitioner and at any rate there is no justification or reason suggesting the need for invocation of the extraordinary equitable discretion under Section 438 Cr.P.C.

3. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. In this case I am unable

to find any features which would justify the need for invocation of the extraordinary equitable discretion under Section 438 Cr.P.C. This I am convinced is a fit case where the petitioner must appear before the learned Magistrate or the Investigating Officer having jurisdiction and seek regular bail in the ordinary and normal course.

4. In the result, this petition is dismissed. Needless to say, if the petitioner appears before the Investigating Officer or the learned Magistrate and apply for bail,after giving sufficient prior notice to the Prosecutor, the learned Magistrate or the Investigating Officer must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE